

## CATAWBA INDIANS.

The Legislature, at its last session, conferred the care of the Governor this whole subject, with a request that he would 'appoint some fit and proper person to examine into the condition of the Indians; and report to him.' In conformity to the spirit of this resolution, I nominated five commissioners from the districts of York and Lancaster to meet me, with as many of the Catawbias as could be assembled in the vicinity of Nation Ford, on the twenty-third day of July. At that meeting full and satisfactory answers were obtained on many material points. Subsequently, I proposed a series of questions to the commissioners to elicit a written reply. At the same time B. S. Massey, of Lancaster, was deputed to Haywood county, North Carolina, for a purpose connected with the main object to be accomplished. Copies of the papers, disclosing the result of my investigations, I now forward.

The two important questions involved in the general inquiry, have reference, the one, to the proprietors of the lands in the Indian boundary; the other, to the Catawba tribe.

Thirty-seven years ago, the Catawba country, embracing an area of fifteen miles square, was unrepresented in the Legislature. The member elected in 1808, being only a leaseholder, was declared ineligible to a seat. The law of 1812, constituting a lease for three lives, or ninety-nine years, a qualification equivalent to a freehold, placed the people of that region, in relation to representation, on a footing with the rest of their fellow-citizens. By an act passed in December, 1838, the reversionary right to the lands, which thereafter were to be considered and adjudged real estate, was transferred from the State to those who owned them 'as lessees from the Catawba Indians.'

In 1840, an agreement was concluded with the Indians, by which they contracted to cede their interest in their lands for twenty-one thousand dollars. To be refunded for this expenditure, the Legislature imposed a tax of one and a half cents on every acre within the Catawba limits. The present assessed rate is one half a cent an acre. By the act of that year, 'to carry into effect the late agreement between the Catawba Indians, and the commissioners on the part of the State,' South Carolina succeeded 'to the right, title, and interest heretofore vested in the Catawba Indians, for the purpose of taxation and of issuing grants to the respective lessees thereof.'

The 7th section declares that the lessees who had executed bonds, as enjoined by a previous act, were required to pay into the Treasury the annual sums stipulated, until they should accede to the terms of this act, or until the expiration of the term of their leases; at either of which periods, they shall be entitled to grants for their respective leasehold possessions. By the 5th section, it appears that the sum of seven thousand dollars was set apart to purchase land, and for the establishment and outfit of the Indians. Under this provision no action was taken, as neither the money nor object were named in the appropriation act of that year. In 1841, \$2500 was appropriated for that purpose. At that time the Agent had conditionally bargained for a tract of land in York district, containing 508 acres, at four dollars per acre. As it was subsequently ascertained that no better arrangement could be made, the contract was concluded.

This brief history shows, that the inhabitants of the Indian territory occupy an anomalous position, in which the government should no longer compel them to acquiesce. South Carolina did not, by the treaty of 1840, buy the Catawba lands. The fee simple from the first settlement of the country had been vested in her, according to the legal doctrine as to Indian lands within the boundary of the original thirteen States; nor did she purchase the usufruct of the Indians, for the State had, previously, conveyed it to the lessees, who then held a right to their possessions for ninety-nine years, with the privilege of renewing their leases. It is true that, by the interposition of the supreme authorities, an uncertain tenure has been converted into a sure and permanent one. For this just exercise of power, the proprietors have returned an adequate equivalent. In confident anticipation of speedy relief from their rulers, they settled and reduced a wilderness to the dominion of the plough. Where beasts of prey undisturbedly roamed, a hardy, highly intelligent, and dense population are now to be found. With an accurate perception of their rights and obligations, they feel that they do not stand on the same firm and elevated ground with the other members of their political family. The high prerogative of equality, by persistence in an invidious discrimination, is practically denied them. They do not complain of the pecuniary burden which they are made to bear, but that its imposition substantially proclaims them as in the enjoyment of a benefit, obtained generally without full costs, and in many instances, unworthily, if not fraudulently. It may be safely affirmed, that four-fifths of the farmers are in possession of their estates by purchase for an ample consideration. For a large proportion of their possessions, the real worth was

paid before the existence of the treaty. The number who hold by inheritance, and who morally, if not legally, should be considered as purchasers, is comparatively very limited. In despite, then, of this decided evidence of right ownership, the Legislature has subjected all the proprietors to an annual charge upon their lands, which I hold to be unequal and unjust, and probably unconstitutional; unequal, in reference to rent and tax; unjust, because poor lands pay more than the rich; unconstitutional, for the reason that it annuls written contracts.

If public spirited and industrious citizen who now hails from that interesting division of South Carolina, had been prevented by considerations of insecurity of title from constituting it his home, the result would have been a loss to the State of over three thousand farmers, all the advantages flowing from their agricultural enterprise, the labor of a large black population, and a very considerable revenue derived from the tax on slaves. To constrain him therefore to remain in his present unsatisfactory situation would be manifestly inexpedient and impolitic. Barriers which create avoidable distinctions, especially in relation to pecuniary burdens, ought not to be allowed in a republic; but if, from any cause, permitted, they should exist only so long as the public interests imperiously demand. At this period too of difficulty and alarm, we should rigidly abstain from the enforcement of any measure that by possibility might interrupt the current of harmonious feeling which now so happily pervades our borders.

The difference between a half a cent per acre, and the tax that would be levied, if the lands were assessed in the ordinary way, is too small to warrant the exercise by the Legislature of a questionable power. Virtually, equality in the payment of the State taxes would not remove the lien on the possessions of the proprietor, but by diminishing the yearly rate, only extend the period of the debt, for which his lands by statute are pledged.

Influenced by these views, I recommend that the bonds given in pursuance of the requirements of the act of '38, in number 25, and amounting in the aggregate to \$1,226 24, interest and principal be cancelled; that the lands within the Catawba territory be classified and valued, with a view to the payment of taxes by their owners; and that the State discharge the remainder of the debt due to the Indians from the public treasury.

By the treaty of 1840, South Carolina agreed to expend five thousand dollars for the purchase of land in Haywood county, or in a mountainous or thinly settled country; to pay for the outlay of the Indians two thousand five hundred dollars; and afterwards, fifteen hundred dollars annually. A true construction of this clause of the agreement, perhaps warrants the conclusion that, whether or not the emigration of the tribe should take place, the State was bound to pay the respective amounts, and at the periods specified. So far is this from having been done that, from the report of the commissioners, only an amount of nine thousand two hundred dollars of the debt, that was to be liquidated in 1851, has been cancelled. It is to be inferred from the evidence adduced, that many of the Indians in North Carolina have received either no part, or legally an insufficient portion of their annuity, and with regard to the majority, that its apportionment has been made at times irregular, and without reference to any established rule. For this result I acquit the agent of all censure. In the prosecution of his responsible engagements, I believe him to have practised all proper zeal and fidelity.

The terms of the treaty not having been complied with by South Carolina, how and when the remainder of the debt, \$11,000, is to be paid, is a question of legislative decision. In aid of your labors on this subject, I desire to bring a few facts to your notice. The present Indian farm, within the old Catawba boundary, was purchased for \$2000. Only one family of six persons—a mother and her young children reside upon it; of the other members of the tribe in this State, forty-eight lead a wandering life; and fifty-eight are in North Carolina. Strong efforts have been long perseveringly but fruitlessly used to induce those who form a part of our population to live on their own land. The report of Mr. Massey shows, that the Catawbias in Haywood are dissatisfied with their condition; that many design returning to South Carolina; and that after due deliberation, their chiefs or head men, in both States, had notified him of to emigrate and unite with the Chickasaws, as soon as the means of removal shall be placed at their disposal. In the act of Congress making provision for the current and contingent expenses of the Indian Department, passed July, 1848, it appears that the sum of \$5000 has been appropriated 'for the removal of the Catawba tribe of Indians now in the limits of North Carolina.' As this grant was obtained, it is believed, through the instrumentality of Mr. Thomas, the Indian Agent of that State, the reason why the act does not apply to South Carolina, is apparent.

When the debt of twenty-one thousand dollars shall be discharged, our obliga-

tion to minister to the wants of the Catawba Indians will by no means have ceased. To guard with parental affection these children in disposition and intellect, is at once dictated by humanity and gratitude. The period perhaps is not remote, when the last sod will be thrown on the grave of a people who, individually and collectively, have been faithful to the land of their adoption, and in times of peril, zealous in the protection of its honor and its interests.

I recommend that an application be made to Congress for an appropriation equivalent to the amount set apart for the Catawba Indians in North Carolina, to defray the expenses of the removal of the portion of that tribe yet remaining in this State; also, that an agent be appointed to gather its scattered members on their farm in York, in order, at the most convenient season next year, to superintend their emigration to the West; that on their arrival at their new home, he furnish them with farming utensils, cause suitable buildings to be erected for their use, provide them with the necessities of life, and remain with them until his services shall be no longer necessary. I also recommend that, the present agent be required diligently to attend to their wants, and to supply them with clothing and provisions in such a way as, if possible, to insure an equal and ample provision for all, wherever equal located.

(Concluded next week.)

## KEOWEE COURIER.

Saturday, Dec. 8, 1849.

With a view of accommodating our Subscribers who live at a distance, the following gentlemen are authorized and requested to act as agents in receiving and forwarding Subscriptions to the Keowee Courier, viz:

MAJ. W. S. GRISBAM, at West Union.  
EDWARD HUGHES, Esq., " Horse Shoe.  
E. P. VERNER, Esq., " Bachelor's Retreat.  
M. F. MICHELL, Esq., " Pickensville.  
J. E. HAGOOD, " Twelve Mile.  
T. J. WEBB, for Anderson District.

### LEGISLATIVE.

Owing to the great length of the Governor's Message, we were unable to give the entire document to our readers this week without crowding out matter of much interest to those of them who are anxious to keep up with the news of the day: in our next we will complete the publication of the Message.

In speaking of our Federal Relations, and under this head of the aggressions of the North, it will be seen, upon reference to the Message, that the Governor approves of the Mississippi plan for a Southern Convention, the great object of which is the preservation of the Union in conformity with the guaranties of the Constitution, and with the view of reconciling still further the Mississippi proposition, he suggests the expediency of empowering, by statute, the Governor either to convoke the Legislature, if not in session, or to issue writs of election for a Convention of the people, should the Wilmot Proviso or any kindred measure receive the formal enactment of Congress.

With all respect to that grave body, our Legislature, and with a due deference to those (we do not know that there are any) who may differ with us in opinion, we would suggest, that upon the enactment by Congress of any measure so insulting to the feelings and so destructive to the rights of the South as the Wilmot Proviso, the Governor should be authorized to issue, at once, writs of election for a Convention of the people. In our opinion, such a Convention is the only fit and proper body to take into consideration the important questions which would arise upon the happening of such an event.

We have the utmost confidence in the wisdom and patriotism of our Legislature, but upon the triumph of Abolitionism in our national council, the step which we should take would be of such immense moment, both to us and to our children, as to demand that the men whose duty it would be to determine upon them should come immediately from the people—should be fully acquainted with their wishes, and should be elected for no other purpose than to express them. Besides to call the Legislature together would be a useless and unnecessary expense, as eventually we would be compelled to resort to a Convention of the people.

As has been the course with our Executive for years, his Excellency points to the many defects in the free school system, and urges upon the Legislature the necessity for important changes. That this system is radically defective, seems to have been conceded on all hands years and years ago, and yet, while every one was convinced that it was so inoperative, that any change which the Legislature would or could make, would be for the better, no improvement has been made.

While other States are educating their youth, and thus arming them for the battle of life, we leave hundreds and hundreds of the children of the people unprovided for; who, growing up without instruction, are driven out into the great world, naked and unarmed, to be beaten down and trampled under foot by their more fortunate competitors, and so we entail upon them the triple curse of ignorance, poverty and toil.

The most lamentable situation in which a people can possibly be placed is to be left behind their neighbors in a knowledge of those arts and sciences which improve and ameliorate the condition of men.

No fact is better known than this that the

good judgment, industry, and enterprising habits that are the offspring of intelligence form a much better capital with which to begin life than dollars and cents.

Then as the State cannot give her children gold let her give them that knowledge which will purchase all that gold can buy and more, and then the changes and revolutions of time may sweep from our State its hoarded wealth, nothing could rob it of the splendid power and proud supremacy which is the gift of learning.

The Governor's recommendations for improving the system, deserve the grave consideration of the Legislature, nor do we believe our Representatives could do better for the people than to appoint the recommended commissioner.

## LEGISLATIVE.

From the South Carolinian.  
WEDNESDAY, November 28, 1849.  
IN SENATE.

The Senate met at the hour to which they stood adjourned, the roll was called, and the proceedings of yesterday were read and approved.

At 1 o'clock the Senate proceeded to the special order, being the reference to appropriate committees of the Governor's message.

A series of resolutions were moved by— to refer the several parts to those committees having such subjects in charge, as their special duty; when

Mr. Mazyck moved to amend, by referring so much of the message as relates to the winding up of the bank of the State of South Carolina to a special joint committee, and that a message for concurrence be sent to the House.

Messrs Wilkon, Buchanan, Moses, Meminger and Allston opposed the motion, and urged that it should be referred to the usual committee, the committee on finance. Mr Mazyck, (the mover of the amendment,) and Messrs Felder and Quattlebaum who spoke for it, disclaimed any disrespect to the finance committee and urged that it was not unusual when a standing committee is known to be unfavorable to a measure to refer it to a special one, and the standing committee, in this instance, was known to be favorable to the bank.

The question being ordered on the amendment, the yeas and nays were called for by the requisite number of Senators, and resulted in the affirmative, as follows:

Yeas—Messrs. Patterson, B G Allston, Barnes, Bull, Cannon Cooper, Eaves, Evans, Felder, Gist, Griffin, Grimbail, Hibben, Johnson, Marshall, Mazyck, J. S Palmer, Quattlebaum, Williams, Witherspoon—20.

Nays—Messrs R F W Allston, Black, Buchanan, Caldwell, Ellerbe, Gause, Goodwyn, Hanna, Irby, Manning, Moses, Perry, Porter, Skipper, Taylor, Walker, Ware, John Willson, Isaac D Willson—19.

So the subject was referred to a special joint committee.

Some efforts were made to reconsider the motion; but they were unsuccessful, and the President announced the following as the Senate's committee on so much of the Governor's message as relates to the bank, viz:

Messrs Mazyck, Marshall, Hanna, Black, Williams.

Mr Marshall moved a resolution to refer so much of the message as relates to a penitentiary, to a special committee; which was adopted, and the President appointed the following, viz: Marshall, Black, R F W Allston, Witherspoon.

The reference having been completed, On motion of Mr Moses, so much of the reports of grand juries as relates to the establishment of a penitentiary were withdrawn from the judiciary committee, and referred to the committee on a penitentiary.

On motion, the Senate adjourned till 12 o'clock to-morrow.

### HOUSE OF REPRESENTATIVES.

The House met at 12 o'clock, m., the roll being called by the clerk; when the Speaker took the chair.

Numerous petitions, memorials, presentations of grand juries, and free school returns were made during the morning hour.

On motion of Mr Seabrook, the House took up the order of the day, being the reference of the Governor's message to the usual committees.

Mr Memminger moved to amend, by referring so much of the message as relates to the bank of the State to a special joint committee of both Houses; which was accepted by Mr Seabrook.

Mr Henry moved to strike out Mr Memminger's motion; which was decided in the negative—ayes 58, noes 58.

Many amendments and motions were made, eliciting some debate, before the above result was attained.

After the disposition of some unimportant business, the House adjourned.

Thursday, November 29, 1849.  
SENATE.

The Senate met at 12 o'clock, pursuant to adjournment; when the roll was called by the Clerk.

Mr Moses introduced resolutions relative to preventing the circulation of abolition documents.

Mr Mazyck moved to make the election of Treasurer of the Lower Division

special order for one o'clock to-morrow, and that a message for concurrence be sent to the House; which was amended on motion of Mr Cannon, so as to embrace the Solicitor for the Eastern Circuit.

Mr Black moved to take up for amendment the report of the Committee on vacant Offices, which being done, he moved to insert as vacant the office of Commissioner in Equity for Spartanburg district; which was made accordingly.

Mr Quattlebaum gave notice that he would to-morrow ask leave to introduce a bill to amend the constitution, so as to include in the election district of Lexington, Saxe Gotha, and extend said election district to the bounds of its judicial limits.

A message was received from the House announcing the appointment of Messrs. Memminger, J. P. Read, Joel Smith, Macbeth, Taylor, Thos. Thompson, and J. W. Witherspoon, as their committee on so much of the message of the Governor as refers to the Bank of the State and the public debt.

The Senate, at one o'clock took up the order of the day, viz: The election of Masters and Commissioners in Equity, and after nominations, proceeded to the House to cast their ballots.

After the return of the Senate to the chamber

Mr Porter, from the Committee on Claims and Grievances, reported favorably on the petition of A. V Toomer and J. L. Holmes for compensation for slaves executed.

After the reception of other reports, The Senate adjourned till 12 o'clock to-morrow.

### HOUSE OF REPRESENTATIVES.

The House met at 12 o'clock, pursuant to adjournment.

Numerous petitions, memorials, reports &c., were presented.

A message was received from the Senate, asking the concurrence of the House to make the election of Treasurer of the Lower Division, and of Solicitor for the Eastern Circuit—the special order for one o'clock to-morrow. Concurred in.

The House proceeded to the special order of the day, which was the election of Master and Register in Equity for Charleston district, and of Commissioner in several districts.

Mr Simons presented the petition of the citizens of Charleston Neck, praying against being annexed to the city of Charleston.

Mr Owens gave notice that he would introduce a bill to exempt the surviving officers and soldiers of the Palmetto Regiment from ordinary martial duty.

Mr Thompson presented the memorial of citizens of Union district, praying for a suspension of rail road operations on the Sabbath.

Mr Preston presented Report of the Regents of the Lunatic Asylum. Ordered to be published.

Mr Sullivan gave notice that he would ask leave to introduce a bill to provide for the election of Presidential Electors.

After some other unimportant business the House adjourned until to-morrow at 12 o'clock.

(Correspondence of the Keowee Courier.)

FRIDAY, NOV 30, 1849.

The House met, and as usual numerous petitions, memorials, &c., were presented, none of which are of general interest in their present shape. Mr. McJever was re-elected Solicitor of the Eastern circuit. Message No. 2 was received from the Governor, which was read by his private secretary, B. T. Watts, and ordered to be printed. The Legislature were invited to attend the college commencement, which takes place on Monday next.

A Bill for the establishment of a Bank at Newberry C. H. was read the first time in the House.

The Bill to extend the corporate limits of Charleston, which is exciting great interest, received its first reading. The Bill involves a question of annexation, viz. the annexation of the Neck to the city of Charleston—there is great diversity of opinion on the subject, both on the Neck and in the city, which will of course give to the bill more than ordinary interest.

The Bill concerning the publication of Sheriffs sales in Pickens District received its first reading to day, and ordered for a second reading to-morrow.

SATURDAY, DEC. 1st.

As usual various petitions, presentations of grand juries, &c., &c., were presented early in the morning.

Then came on the election for Commissioner in Equity for Richland District, which resulted in the election of A. H. Porcher on the 5th balloting.

On the 3rd balloting W. Laval was elected Treasurer of the Lower Division.

On the first balloting Gen. J. W. Can-  
tey was elected Adjutant and Inspector